

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 3410 - SB 3731

March 15, 2012

SUMMARY OF BILL: Creates a Class A misdemeanor, punishable by fine only, for divulging or posting in any electronic format readily accessible on the internet any identifying information of a patient, or for any violation of the Medical Records Act of 1974. Authorizes a patient whose medical information or records have been unlawfully used or disclosed to recover compensatory and punitive damages, attorney's fees, and other related costs of litigation in a civil action. Authorizes the Department of Health to assess civil penalties, as specified under this bill, against any licensed health care professional or a licensed health care facility for unlawful obtainment, disclosure, or use of a patient's identifying information. Prohibits any health care providers, health care service plans, health care contractors, or health care facilities from requiring a patient, as a condition of receiving health care services, to sign an authorization, release, consent, or waiver that would permit unlawful disclosure of medical information or records.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- According to the Department, any additional regulatory duties resulting from this bill and subsequent investigatory and disciplinary actions will not result in a significant increase in expenditures and can be accommodated within existing budgetary resources of the affected Boards.
- Any revenue from the assessment of civil penalties as authorized by this legislation will be not significant.
- Pursuant to Tenn. Code Ann. § 4-3-1011 and Tenn. Code Ann. § 68-11-216, all health-related boards are required to be self-supporting over a two-year period. As of June 30, 2011, the Division of Health Related Boards had a cumulative balance of \$10,859,982.82, and the Board for Licensing Health Care Facilities had a balance of \$594,768.55.
- There will not be a sufficient number of misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

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